

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

COURTHOUSE NEWS SERVICE,

Plaintiff,

v.

RYAN BOYCE, in his official capacity as
Director of the North Carolina Administrative
Office of the Courts; MICHELLE BALL, in
her official capacity as Clerk of Superior
Court of Johnston County; RENEE
WHITTENTON, in her official capacity as
Clerk of Superior Court of Harnett County;
and CLAUDIA CROOM, in her official
capacity as Clerk of Superior Court of Wake
County,

Defendants.

Case No.: 5:23-cv00280-FL

**COURTHOUSE NEWS SERVICE’S
MOTION FOR SUMMARY
JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56 and E.D.N.C. Local Rule 56.1, Plaintiff Courthouse News Service (“CNS”), by and through its undersigned counsel, hereby moves this Court for an order granting summary judgment on its single-count 42 U.S.C. § 1983 claim against Defendants Ryan Boyce, in his official capacity as Director of the North Carolina Administrative Office of the Courts; Michelle Ball, in her official capacity as Clerk of Superior Court of Johnston County; Renee Whittenton, in her official capacity as Clerk of Superior Court of Harnett County; and Claudia Croom, in her official capacity as Clerk of Superior Court of Wake County.

As more fully set forth in the accompanying memorandum of law, filed herewith, CNS seeks declaratory relief finding that Defendants violated CNS’ First Amendment rights by not providing CNS access to newly electronically-filed, nonconfidential Superior Court civil complaints “as expeditiously as possible,” as controlling law requires. It also seeks a judgment

declaring that in order to meet First Amendment access mandates, a same day processing rate for newly electronically-filed, nonconfidential civil complaints of no less than 90% is what is required to pass *minimum* First Amendment requirements. CNS further asks this Court to, upon granting such judgment, require Defendants to report back to this Court six months post-judgment on whether they have been meeting this minimum standard. If Defendants fail to do so, CNS asks this Court, as discussed in the accompanying memorandum of law, to reserve jurisdiction to consider imposition of an injunction forbidding withholding of complaints to conduct processing given the technical solutions CNS has shown are available that permit public access and clerk processing to occur concurrently. Finally, CNS hereby moves for an award of its attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

This motion is based on the accompanying Memorandum of Law; separate Statement of Undisputed Material Facts; Declarations of William Girdner, Adam Angione, Rich Ivey, and Bernie Brennan; any opposition papers and evidence filed by Defendants; any CNS reply memoranda and evidence submitted therewith; the orders, pleadings, records, and evidence previously issued or filed in this action; and any argument or evidence presented at hearing, or otherwise permitted by the Court.

Respectfully submitted this **16th** day of **May, 2025**.

THOMAS & LoCICERO PL

/s/ Carol Jean LoCicero

Carol Jean LoCicero (FBN 603030)

Mark R. Caramanica (FBN 110581)

601 South Boulevard

Tampa, FL 33606

Telephone: (813) 984-3060

Facsimile: (813) 984-3070

clocicero@tlolawfirm.com

mcaramanica@tlolawfirm.com

jvanderhorst@tlolawfirm.com

Daniela B. Abratt (FBN 118053)
915 Middle River Drive, Suite 309
Fort Lauderdale, FL 33304
Telephone: (954) 703-3418
dabratt@tlolawfirm.com

- and -

Michael J. Tadych (NC Bar No. 24556)
mike@smvt.com
Kathleen O'Malley (NC Bar. No. 51654)
komalley@smvt.com
STEVENS MARTIN VAUGHN &
TADYCH, PLLC
6300 Creedmoor Road, Suite 170-370
Raleigh, NC 27612
Telephone: (919) 582-2300
Facsimile: (866) 593-7695

Counsel for Courthouse News Service

CERTIFICATE OF SERVICE

This is to certify that the undersigned this **16th** day of **May, 2025**, has caused the foregoing to be electronically filed using the CM/ECF system, which will send notification of such filing to all the counsel of record for the parties who participate in the CM/ECF system.

/s/ Carol Jean LoCicero
Attorney